

27285. Adulteration and misbranding of butter. U. S. v. Challenge Cream & Butter Association. Plea of guilty. Fine, \$50. (F. & D. no. 38002. Sample nos. 46707-B, 46725-B, 46730-B, 46732-B, 46740-B.)

This case involved butter that contained less than 80 percent of milk fat.

On September 12, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Challenge Cream & Butter Association, a corporation, at San Francisco, Calif., alleging that the defendant sold on or about January 14, 28, and 31, 1936, to the American Factors, Ltd., San Francisco, Calif., quantities of butter under a guaranty that it complied with the requirements of the Federal Food and Drugs Act; that subsequently the American Factors, Ltd. shipped the article in the identical condition as when so sold on or about the date of said sale from the State of California into the Territory of Hawaii, and that the article was adulterated and misbranded in violation of said act. The information further alleged that the defendant company had shipped on or about January 21, 1936, from the State of California into the Territory of Hawaii a quantity of butter that was adulterated and misbranded. The cases were labeled in part: "Challenge Butter Challenge Cream & Butter Assn." A portion of the cartons were labeled: "The Genuine Modesto Butter * * * Manufactured By Milk Producers Association of Central California." The remainder of the cartons were labeled: "Danish Creamery Pasteurized Butter Danish Creamery Association Distributed by Challenge Cream and Butter Ass'n. Los Angeles."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the said article purported to be.

It was alleged to be misbranded in that there were borne on the cases and cartons aforesaid the statements "Challenge Butter" and "The Genuine Modesto Butter", respectively; in that said article contained less than 80 percent by weight of milk fat; that each of said statements was false and misleading when applied to an article of food containing less than 80 percent by weight of milk fat.

On May 22, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

H. A. WALLACE, *Secretary of Agriculture.*

27286. Adulteration of canned salmon. U. S. v. Libby, McNeill & Libby, a corporation. Plea of guilty. Fine, \$25. (F. & D. no. 38015. Sample nos. 40884-B, 40922-B, 65188-B, 66834-B.)

This case involved canned salmon that was decomposed in part.

On December 30, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information (amended March 10, 1937) against Libby, McNeill & Libby, a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act during the months of July and August 1935, from the Territory of Alaska into the State of Washington of a number of cases of canned salmon that was adulterated. A portion of the article was labeled: "Libby Fancy Red Alaska Salmon Packed in Alaska by Libby, McNeill & Libby Chicago."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On June 1, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27287. Adulteration of canned salmon. U. S. v. Pacific American Fisheries, Inc. Plea of guilty. Fine, \$85 and costs. (F. & D. no. 38032. Sample nos. 55178-B, 55569-B, 63083-B, 63084-B.)

This case involved canned salmon that was in part decomposed.

On December 18, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pacific American Fisheries, Inc., trading at South Bellingham, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 15, 1935, and February 27, 1936, from the State of Washington into the States of Illinois and Minnesota of quantities of canned salmon that was adulterated. Portions of the article were labeled: (Cans) "White City Brand Fancy Pink Salmon * * * Samuel Kunin & Sons, Inc. Distributors Chicago, Ill."; and "Table Talk Alaska Red Sockeye Salmon * * * Table Talk Food Products Packed for Rust-Parker

Company, Duluth, Minn." A portion was contained in cases marked: "Omar Grade Salmon Unlabeled."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 5, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$85 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27288. Adulteration of olives. U. S. v. Lindsay Ripe Olive Co. Plea of nolo contendere. Fine, \$100. (F. & D. no. 38038. Sample no. 59226-B.)

This case involved olives that contained arsenic in an amount which might have rendered them injurious to health.

On September 21, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lindsay Ripe Olive Co., a corporation, Lindsay, Calif., alleging interstate shipment by said company in violation of the Food and Drugs Act on or about November 17, 1934, from the State of California into the State of Nebraska of a quantity of olives that were adulterated. The article was labeled in part: "Lindsay Brand Sicilian Style California Olives * * * Packed By Lindsay Ripe Olive Company Lindsay California."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered it injurious to health.

On March 30, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100.

H. A. WALLACE, *Secretary of Agriculture.*

27289. Misbranding of cottonseed cake and meal. U. S. v. Transit Milling Co. Plea of guilty. Fine, \$50. (F. & D. no. 38054. Sample no. 41910-B.)

This case involved cottonseed cake and meal that contained less protein than declared on the label.

On December 9, 1936, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Transit Milling Co., a corporation, Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act on or about April 20, 1936, from the State of Texas into the State of Kansas of a number of sacks of cottonseed cake that was misbranded. The article was labeled in part: "Guaranteed Analysis Protein, not less than 43% * * * Choctaw Sales Company * * * Cottonseed Cake and Meal Kansas City,—Missouri."

The article was alleged to be misbranded in that the statement, "Protein, not less than 43%", borne on the tags attached to the sacks, was false and misleading and was borne on the said tags so as to deceive and mislead the purchaser since the article contained less than 43 percent of protein, namely, not more than 39.63 percent of protein.

On April 12, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

H. A. WALLACE, *Secretary of Agriculture.*

27290. Adulteration and misbranding of jams. U. S. v. 24 Jars of Blackberry Jam, et al. Default decrees of condemnation and destruction. (F. & D. nos. 38301, 38522. Sample nos. 8809-C, 8810-C, 8813-C, 9300-C.)

These products contained less fruit and more sugar than jams should contain. Certain lots contained added acid and certain other lots contained added acid and pectin. One lot was labeled "6 Oz. Net"; whereas the jars contained 1 pound.

On or about September 16 and November 19, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 96 jars of jams at New Haven, Conn., and 310 jars of jams at Norwalk, Conn., alleging that the articles had been shipped in interstate commerce on or about August 18 and September 21, 1936, by Mrs. Anna Myer's Pure Foods, Inc., from Passaic, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Mrs. Anna Myer's Pure Home Made Blackberry [or "Cherry", "Raspberry", or "Damson Plum"] Jams"; (tops of jars) "Mrs. Anna Myer's Pure Food Products, Newark, N. J. 6 Oz. Net [or "1 lb. Net"]."